

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

DECISION AND ORDER
20-CR-42-A

CHARLES M. PORTERFIELD,
Defendant.

Defendant Charles M. Porterfield is charged in a three-count Indictment (Dkt. No. 5) with production of child pornography, in violation of 18 U.S.C. §§ 2251(a) and 2251(e), enticement of a minor, in violation of 18 U.S.C. § 2422(b), and penalty for registered sex offender, in violation of 18 U.S.C. § 2260A,¹ and the case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

On March 31, 2022, the Magistrate Judge filed a Report and Recommendation (“R&R”) (Dkt. No. 59) that recommends that Defendant’s motion to suppress statements (Dkt. No. 32) be denied. No objections to the R&R were filed, and the R&R was therefore deemed submitted. Because there were no objections to the R&R, the Court reviews the R&R on clear error review.

¹ The Indictment also alleges that Defendant had a prior sex conviction in which a minor was the victim at the time of the commission of the offenses alleged in Counts 1 and 2 of the Indictment, which subjects Defendant to additional penalties (life imprisonment) as set forth in 18 U.S.C. § 3559(e)(1), if convicted.

The Court adopts the reasoning of the Magistrate Judge and deems no further discussion necessary.

Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the R&R, it is

ORDERED that Defendant's motion to suppress statements (Dkt. No. 32) is denied; and it is further

ORDERED that Defendant shall appear before the Court on May 26, 2022 at 11:00 AM for a status conference to set a date for trial or plea. The status conference will be held in person and in the Courtroom.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: May 24, 2022